

REMARKS

Claims 1-5, 7, 10-14 and 19-24 presently stand rejected under 35 U.S.C. §102(e) as being anticipated by Saib et al (US 20010005905 A1).

Saib discloses the use of an enhanced JUMP button a/k/a BACK button that allows a viewer to sequentially jump back through a jump list of channels and, by depressing and holding the JUMP button for an extended duration, adding/deleting a tuned channel from the jump list. In contrast, the present invention is directed to using a numeric channel button to select that channel for viewing and to perform other functions, depending on how long the button is depressed. As shown in Fig. 5, a user may, for example, depending on the duration of depressing numeric channel 3, tune to channel 3 (e.g., if briefly depressed) or recall program 3 [of a favorites list] (if pressed and held for a longer period). Importantly, unlike the JUMP button of Saib limited to a simple jump list, the present invention employs numeric channels buttons such that the numeric number of each channel button informs the user of the next function that will be performed (e.g., channel button 3 tunes to channel 3 or to program 3. Hence, the Section 102 rejection is respectfully traversed and reconsideration is respectfully requested.

Claims 8-9 and 17-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Saib as applied to Claims

1-5, 7, 10-124, 16, and 19-24 above and further in view of Burgett et al (U.S. 5,982,357).

Specifically, Burgett does teach button depression duration and a function is based upon an expected use frequency of the function. However, as noted above Saib is limited to a JUMP button. Burgett's frequency-of-use or expected-frequency features combined with Saib would only possibly teach one to prioritize Saib's jump list based on frequency of use and expected frequency of use. Consequently, a *prima facie* showing of obviousness has not been set forth. Hence, the Section 103 rejection is respectfully traversed and reconsideration is respectfully requested.

All grounds of objection and rejection having been overcome by the amendments hereinabove, reconsideration and a Notice of Allowance is respectfully requested. However, should any additional points remain, the Examiner may call the undersigned collect to discuss any of the issues addressed in this Amendment.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 50-1667.

Respectfully submitted,



Stefan V. Stein
Registration No. 29,702
Holland & Knight LLP
P.O. Box 1288
Tampa, Florida 33601-1288
Telephone: 813/227-8500
Facsimile: 813/229-0134

4410627_v1